

**SENATE JOURNAL
62ND LEGISLATURE
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana
January 19, 2011

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Tutvedt, excused, SD 6 vacant. Quorum present.

BILLS AND JOURNALS:

1/19/2011

Correctly printed: **SB 4, SB 11, SB 16, SB 25, SB 28, SB 38, SB 53, SB 55, SB 66, SB 67, SB 69, SB 100, SB 112, SB 124, SB 125, SJR 7.**

Correctly engrossed: **SB 47.**

Correctly enrolled: **SJR 1.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Steinbeisser, Chairman):

1/18/2011

SB 5, do pass. Report adopted.

SB 74, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "100%"

Insert: "110%"

2. Page 2, line 11 through line 12.

Following: "livestock"

Strike: "and not for resale"

3. Page 8, line 4.

Following: "~~net assets~~"

Insert: "positive"

Following: "equity"

Strike: "of at least \$10,000"

4. Page 10, line 2.

Strike: "conditions"

Insert: "condition"

Strike: "subsections (4)(b) and"

Insert: "subsection"

Following: "(4)(c)"

Insert: "and has maintained positive equity"

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5. Page 10, line 3.

Strike: "bond"

Insert: "bonding"

6. Page 10, line 4.

Following: "\$50,000,"

Insert: "and"

7. Page 10, line 5.

Strike: "conditions"

Insert: "condition"

Strike: "subsections (4)(a) and"

Insert: "subsection"

8. Page 10, line 6.

Strike: "bond"

Insert: "bonding"

9. Page 10, line 8.

Following: "(iii)"

Insert: "that cannot or chooses not to meet the requirements of subsections (4)(a), (4)(b), and (4)(c)"

Following: "discretion"

Insert: "and with the consent of the department"

10. Page 10, line 10.

Following: "greater."

Insert: "The minimum bond is \$20,000."

11. Page 10, line 11.

Strike: "(5)(a)(i) or (5)(a)(ii)"

Insert: "(5)(a)(iii)"

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):

1/19/2011

SB 46, do pass. Report adopted.

SB 159, introduced bill, be amended as follows:

1. Page 2, line 27.

Strike: "established" through "ARM,"

Insert: "adopted as of [the effective date of this act]"

2. Page 2, line 30 through page 3, line 1.

Strike: "can" on page 2, line 30 through "result in" on page 3, line 1

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Insert: "demonstrates that the standards provide"

And, as amended, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chairman):
SB 7, introduced bill, be amended as follows:

1/18/2011

1. Title, page 1, line 6.

Strike: "PUBLIC SERVICE COMMISSION"

Insert: "DEPARTMENT OF REVENUE AND THE ENERGY AND TELECOMMUNICATIONS
INTERIM COMMITTEE; REQUIRING THE ENERGY AND TELECOMMUNICATIONS
INTERIM COMMITTEE TO REVIEW THE REPORT; PROVIDING EXCEPTIONS TO THE
REPORTS' CONTENTS"

2. Title, page 1, line 7 through line 8.

Strike: "AMENDING" on line 7 through "MCA;" on line 8

3. Page 1, line 28.

Strike: "subsection (3)"

Insert: "[section 2]"

Strike: "69-8-103"

Insert: "69-5-102"

Following: "Montana"

Insert: ", a competitive electricity supplier as defined in 69-3-2003, "

Strike: "the"

Insert: "any"

4. Page 1, line 30.

Following: "report"

Strike: ", " through the second "commission"

Insert: "in accordance with this section"

5. Page 2, line 3.

Strike: "The"

Insert: "Except as provided in [section 2], the"

6. Page 2, line 7 through line 8.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

7. Page 2, line 9.

Strike: "(5)"

Insert: "(4)"

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8. Page 2, line 10.

Strike: "commission" through "inspection."

Insert: "department of revenue. The department of revenue shall make the report available for public inspection."

9. Page 2, line 12.

Strike: the first "subsection" through "(3)"

Insert: "this section"

Strike: "commission"

Insert: "department of revenue"

10. Page 2, line 14 through line 15.

Strike: "an" on line 14 through "69-1-402" on line 15

Insert: "the universal low-income energy assistance fund established in 69-8-412(1)(b)"

11. Page 2.

Following: line 19

Insert: "(6)(a) The report required in subsection (1) must be filed with the department of revenue in a format determined by the department.

(b) A utility, a competitive electricity supplier, or an owner of an electrical generation facility that is required to file a report pursuant to subsection (1) shall provide a copy of the report to the energy and telecommunications interim committee provided for in 5-5-230. Before September 15 of the year preceding a legislative session, the energy and telecommunications interim committee shall review the reports and, if necessary, submit recommendations regarding the use of renewable energy credits in Montana to the legislature.

"NEW SECTION. Section 2. Exceptions to report contents. (1) If a utility, a competitive electricity supplier, or an owner of an electrical generation facility operating in Montana required to file the report pursuant to [section 1] buys or sells a renewable energy credit in a market where the price of a renewable energy credit is not publicly disclosed, the utility, competitive electricity supplier, or owner of an electrical generation facility operating in Montana is not required to disclose the price.

(2) The utility, competitive electricity supplier, or owner of an electrical generation facility operating in Montana shall report the number of credits bought or sold and whether the energy and renewable energy credits were bought or sold together or separately as a bundled or unbundled product."

Renumber: subsequent sections

12. Page 2, line 21 through page 4, line 6.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent sections

13. Page 4, line 12.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

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14. Page 4, line 13.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

SB 62, do pass. Report adopted.

SB 65, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "Before" through "session"

Insert: "At the first interim committee meeting held during each interim"

2. Page 1, line 14.

Following: "discuss"

Insert: "at future meetings"

3. Page 2, line 2.

Strike: "The"

Insert: "If revisions to the state energy policy are proposed by the committee, then before September 15 of the year preceding a legislative session, the"

And, as amended, do pass. Report adopted.

SB 104, introduced bill, be amended as follows:

1. Page 1, line 8.

Following: "WHEREAS,"

Insert: "if used improperly,"

Following: "structures"

Insert: "can"

2. Page 1, line 10.

Strike: "results"

Insert: "can result"

3. Page 1, line 12.

Following: "WHEREAS,"

Insert: "if"

Strike: "and"

4. Page 1, line 13.

Strike: "; and"

Insert: "."

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5. Page 1, line 14 through line 15.

Strike: line 14 through line 15 in their entirety

And, as amended, do pass. Report adopted.

SB 105, do pass. Report adopted.

FISH AND GAME (Brenden, Chairman):

1/18/2011

SB 99, introduced bill, be amended as follows:

1. Page 2, line 24.

Following: "agent"

Insert: ", except for an electronic service provider,"

And, as amended, do pass. Report adopted.

SB 115, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "information --"

Insert: "legislative finding --"

Following: "predators."

Insert: "(1)"

2. Page 1, line 16.

Following: line 15

Insert: "(2) The legislature finds that the prohibition on disclosure of information pursuant to subsection (1) is necessary to protect an individual's privacy, safety, and welfare. "

And, as amended, do pass. Report adopted.

SB 118, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 4.

Following: line 3

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

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And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):

1/19/2011

SB 10, do pass. Report adopted.

SB 76, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "(5)"

Insert: "and when in the board's opinion there is reasonable probability that a prisoner can be released without detriment to the prisoner or to the community"

2. Page 1, line 17 through line 18.

Following: "center" on line 17

Strike: remainder of line 17 through "community" on line 18

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/18/2011

HB 17, introduced by Hollandsworth

HB 23, introduced by Furey

HB 29, introduced by McNiven

HB 45, introduced by Ingraham

HB 47, introduced by K. Peterson

HB 54, introduced by Vance

HB 63, introduced by Noonan

HB 94, introduced by Arntzen

HB 98, introduced by Welborn

House joint resolution passed and transmitted to the Senate for concurrence:

1/18/2011

HJR 1, introduced by Milburn

MOTIONS

Senator Gillan moved to remove **SB 44** from Education and Cultural Resources committee and place SB 44 on second reading. Motion **failed** as follows:

Yeas: Augare, Blewett, Branae, Brown, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 23

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Nays: Arthun, Balyeat, Barrett, Brenden, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

Senator Shockley moved **SB 29** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Augare in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 12 - Senator Erickson moved **SB 12** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzonried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gallus, SD 6, Tutvedt.

Total 3

SB 68 - Senator Jent moved **SB 68** do pass. Motion carried as follows:

Arthun, Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich,

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Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 38

Nays: Balyeat, Barrett, Buttrey, Hinkle, Moore, Sonju, Steinbeisser, Vincent, Wittich, Zinke.

Total 10

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

SB 73 - Senator Murphy moved **SB 73** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 44

Nays: Brenden, Hinkle, Tropila, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

SB 152 - Senator Brown moved **SB 152** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: SD 6, Tutvedt.

Total 2

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Williams, Zinke, Mr. President.

Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Gallus, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.

Total 18

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

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SB 16 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 43

Nays: Balyeat, Gillan, Hinkle, Van Dyk, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

SB 67 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

SB 112 passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

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Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

SB 124 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: SD 6, Tutvedt.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, January 20, 2011. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate